

100-443886-1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 JUN 14 AM 9:19

June 14, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *ewh/for*
Staff Director

FROM: Patricia C. Orrock *PO/MS*
Chief Compliance Officer

Debbie Chacona *DC/MS*
Assistant Staff Director
Reports Analysis Division

BY: *KDR*
Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation -2016
April Quarterly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 April Quarterly Report in accordance with 52 U.S.C. § 30104(a). The April Quarterly Report was due on April 15, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a

2. Send the appropriate letters.

2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2016 APRIL QUARTERLY Not Election Sensitive 04/15/2016 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3062	C00555862	FOUNDATION FOR A GREATER AMERICA INC		JAMES P. HODGINS	\$725,746	1		Not Filed	\$725,746 (est)	\$14,437
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3070	C00139964	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		JIM PALMER	\$148,972	0	5/17/2016	Not Filed	\$100,456	\$4,950
3071	C00405555	NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS INC POLITICAL ACTION COMMITTEE		ROBIN L. HAYNES	\$327,413	0	5/1/2016	16	\$90,979	\$2,200

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3074	C00591628	SIMON WINSTON FOR CONGRESS	SIMON WOOD WINSTON	MAUREEN HAFERNIK	\$798,665	0	5/11/2016	26	\$413,168	\$7,200
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2016)
April Quarterly Report for the)
Administrative Fine Program:)

FOUNDATION FOR A GREATER) AF# 3062
AMERICA INC, and HODGINS, JAMES P)
MR. as treasurer;)

NATIONAL ASSOCIATION OF WHEAT) AF# 3070
GROWERS POLITICAL ACTION)
COMMITTEE (WHEATPAC), and)
PALMER, JIM as treasurer;)
NATIONAL COUNCIL OF TEXTILE) AF# 3071
ORGANIZATIONS INC POLITICAL)
ACTION COMMITTEE, and HAYNES,)
ROBIN L as treasurer;)

SIMON WINSTON FOR CONGRESS, and) AF# 3074
HAFFERNIK, MAUREEN as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on June 15, 2016 the Commission took the
following actions on the Reason To Believe Recommendation - 2016 April Quarterly
Report for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated June 14, 2016, on the following committees:

AF#3062 Decided by a vote of 6-0 to: (1) find reason to believe that FOUNDATION FOR A GREATER AMERICA INC, and HODGINS, JAMES P MR. in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

THEORY

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AF#3070 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC), and PALMER, JIM in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3071 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS INC POLITICAL ACTION COMMITTEE, and HAYNES, ROBIN L in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3074 Decided by a vote of 6-0 to: (1) find reason to believe that SIMON WINSTON FOR CONGRESS, and HAFERNIK, MAUREEN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
June 15, 2016

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Attest:

June 17, 2016
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 2016

Maureen Hafernik, in official capacity as Treasurer
Simon Winston for Congress
1705-A Feagin Drive, #208
Lufkin, TX 75904

C00591628
AF#: 3074

Dear Ms. Hafernik:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period January 1, 2016 through March 31, 2016, shall be filed no later than April 15, 2016. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on May 11, 2016, twenty-six (26) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On June 15, 2016, the FEC found that there is reason to believe ("RTB") that Simon Winston for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before April 15, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$7,200. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55, Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$7,200 is due within forty (40) days of the finding, or by July 25, 2016, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$413,168
Number of Days Late: 26
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the

Commission's RTB finding, or July 25, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). *In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Simon Winston for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

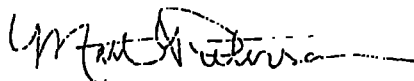
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$7,200 for the 2016 April Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Simon Winston for Congress

FEC ID#: C00591628

AF#: 3074

PAYMENT DUE DATE: July 25, 2016

PAYMENT AMOUNT DUE: \$7,200

**Maureen Hafernik, Treasurer
Simon Winston for Congress
1705 A Feagin Dr. #208
Lufkin, TX 75904**

RECEIVED
FEC MAIL CENTER

2016 JUL 25 AM 10:12

Federal Election Commission
Office of Administrative Review
Matthew S. Peterson
999 E Street, NW
Washington, DC 20463

July 15, 2016

C00591628
AF#: 3074

Dear Mr. Peterson,

I am in receipt of your letter/notice dated June 16, 2016 in which I have been notified of a penalty/fine for late filing of the above referenced campaign quarterly report.

It took me several days, after receiving this notice to call, as I was in complete shock and traumatized with this notice that I owe \$7,200.00! Per the letter, I called Ben Holley, who I was told no longer worked at the FEC and was transferred to Laura Beaufort, who assured me that Ben Holley was still employed and she gave me his direct phone line. After 2 ½ weeks playing phone tag with Ben, we finally talked on July 1, 2016. He informed me that he only computes the penalty and knows nothing else, but that I should write to you.

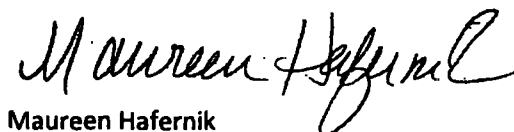
Total gross contributions to the campaign was \$32,449.00 and total expenses of \$92,224.57. We had no employees, but basically the only active committee members were Simon (the candidate,) myself and two high school students that handled the campaigns' social media site. There is no money in the campaign and in fact, Simon has personally paid \$59,775.57 for campaign expenses, of which will never be paid to him from the campaign (no funds in account, as the campaign account is "zero" and has been closed).

After the March (Texas) primary, in which we lost by a landslide, I transferred my energy to my full time job. I am an accountant and had numerous entities to process for 2015 tax returns that were due April 15, 2016 (actually April 17, 2016). After April 15, I had payroll reports due by April 30. I became completely absorbed in my work and totally forgot about the quarterly report due for the campaign. My not filing the report by April 15 was not out of deceit, fraud or nor was it deliberate, as I simply forgot about it. I have been an accountant for over 30 years and I know how important "filing dates" are.

Simply thinking about the \$7,200.00 penalty has depressed me. I do not have \$7,200.00, nor does the campaign have \$7,200.00, nor can I get my hands on this type of money. A penalty of this magnitude will financially destroy me and my family. We are on a monthly budget, and have nothing near \$7,200.00 to spend monthly nor do we even have \$720.00 at month end to spend.

I am asking you to waive/forgive this penalty, as I am a first time offender (and last time offender) for filing reports.

Graciously,


Maureen Hafernik



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2016

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 3074 – Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer (C00591628)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty.

Reason-to-Believe Background

The 2016 April Quarterly Report was due on April 15, 2016.¹ The respondents filed the report on May 11, 2016, 26 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 April Quarterly Report and made a preliminary determination that the civil money penalty was \$7,200 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on June 17, 2016 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending March 31 no later than April 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On July 25, 2016, the Commission received the written response ("challenge") from the Treasurer. The Treasurer requests that the Commission waive the fine, as this is her first offense.

¹ On February 22, 2016, the Committee filed the Texas Pre-Primary Report covering the period of January 1 through February 10, 2016. Therefore, the Committee's 2016 April Quarterly reporting period was adjusted to cover February 11 through March 31, 2016.

She states that the Committee received a total of \$32,449 in contributions and disbursed \$92,225 in total expenses, of which the Candidate personally paid \$59,776.

The Treasurer further explains the Committee was operated by only the Candidate, Treasurer, and two high-school students. After the Candidate lost the Texas Primary Election in March 2016, the Treasurer returned her focus to her full-time job as an accountant. During the time of the filing deadline, she was busy completing numerous 2015 tax returns and payroll reports. She states:

I became completely absorbed in my work and totally forgot about the quarterly report due for the campaign. My not filing the report by April 15 was not out of deceit, fraud or nor was it deliberate, as I simply forgot about it. I have been an accountant for over 30 years and I know how important 'filing dates' are.

The Treasurer explains the Committee has no funds to pay the civil money penalty. She also expresses her own financial hardships and states such a penalty would "financially destroy" her family.

Analysis

The Treasurer acknowledges in the challenge that she forgot about the 2016 April Quarterly Report filing requirement. However, the Commission reminded the respondents of the filing requirement on multiple occasions. On March 23, 2016, the Commission's Information Division sent an email regarding the 2016 April Quarterly Report to simonwinstonforcongress2016@gmail.com and mrh723@hotmail.com, the email addresses listed on the Committee's Statement of Organization. On April 12, 2016, the Commission's Electronic Filing Office ("EFO") sent a reminder email to mrh723@hotmail.com, the email address previously used to electronically file reports. On April 16, 2016, EFO sent another email to mrh723@hotmail.com to notify the Committee that it had failed to electronically file the report. On May 2, 2016, RAD sent a non-filer notification to both email addresses.

According to RAD telecoms (written records of telephone conversations), on May 10, 2016, the Treasurer contacted a RAD Analyst for assistance in filing a Termination Report. On May 11, 2016, 26 days after the filing deadline, the Committee electronically filed a Termination Report covering the period of the 2016 April Quarterly Report. The Committee then filed Amended Termination Reports on May 12, July 1, and August 31, 2016.

At the time of the RTB finding, the Commission used the level of activity (\$413,168) reported on the Amended Termination Report received May 12, 2016 to calculate the fine. The most recent Amended Termination Report, received August 31, 2016, discloses \$37,400 in total contributions and \$310,241 in total disbursements. Therefore, the actual level of activity of the 2016 April Quarterly Report is \$347,641. Using the schedule of penalties at 11 C.F.R. § 111.43(a), for respondents with no previous violations, and the level of activity bracket of \$250,000 - \$349,999.99, the civil money penalty should be $[\$1,500 + (\$200 \times 26 \text{ days late})] \times [1 + (.25 \times 0 \text{ previous penalties})]$ or \$6,700.

The Reviewing Officer acknowledges the majority of the campaign's financial activity resulted from the receipt and repayment of loans from the Candidate.² The Reviewing Officer is also sympathetic to the Treasurer's financial hardships. However, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's history of compliance is also not considered. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty, reduced from the RTB civil money penalty of \$7,200.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3074 involving Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3074 that Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty (reduced from the RTB civil money penalty of \$7,200); and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

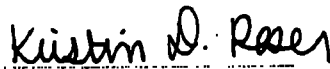
² The challenge contends the Committee received \$32,449 in contributions and disbursed \$92,225 in total expenses, of which the Candidate personally paid \$59,776. According to the Committee's filings to date, the Committee has received \$366,249 in total contributions (including \$333,800 in loans from the Candidate) and \$366,249 in total disbursements (including \$307,108 in loan repayments to the Candidate).

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Simon Winston for Congress:
 - A) Request for Additional Information, dated May 24, 2016, referencing the Amended Termination Report covering February 11, 2016 through March 31, 2016, received May 12, 2016 (sent via electronic mail to: simonwinstonforcongress2016@gmail.com and mrh723@hotmail.com);
 - B) Request for Additional Information, dated July 7, 2016, referencing the Amended Termination Report covering February 11, 2016 through March 31, 2016, received July 1, 2016 (sent via electronic mail to: simonwinstonforcongress2016@gmail.com and mrh723@hotmail.com);
 - C) Non-Filer Letter, dated May 2, 2016, referencing the 2016 April Quarterly Report (sent via electronic mail to: simonwinstonforcongress2016@gmail.com and mrh723@hotmail.com);
 - D) Reason-to-Believe Letter, dated June 16, 2016 referencing the 2016 April Quarterly Report (sent via overnight mail to the address of record).

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4. I hereby certify that I have searched the Commission's public records and find that Simon Winston for Congress filed a Termination Report, covering the required 2016 April Quarterly reporting period (February 11, 2016 through March 31, 2016), with the Commission on May 11, 2016.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 2nd day of August, 2016.


Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

110300N-110300N



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

RQ-2

May 24, 2016

MAUREEN HAFFERNIK, TREASURER
SIMON WINSTON FOR CONGRESS
1705-A PEAGIN DRIVE #208
LUFKIN, TX 75904

Response Due Date

06/28/2016

IDENTIFICATION NUMBER: C00591628

REFERENCE: AMENDED TERMINATION REPORT (02/11/2016 - 03/31/2016),
RECEIVED 05/12/2016

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 2016 Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

2. Your committee has requested that the Commission permit your committee to terminate pursuant to 52 U.S.C. § 30103(d) (formerly 2 U.S.C. § 433(d)) and 11 CFR § 102.3. Preliminary review of reports filed during the 2016 election cycle identified problems concerning certain information disclosed by your committee. Your committee must continue to file all required reports with the

SIMON WINSTON FOR CONGRESS

Page 2 of 2

Commission while a determination is being made on whether to pursue these matters any further. The Commission will notify you when your request to terminate has been approved and the committee is no longer required to file reports with the Commission.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1187.

Sincerely,



Laura Beaufort
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

Missing 48-Hour Notices**Simon Winston for Congress (C00591628)**

Contributor Name	Date	Amount	Election
Winston, Beau	2/11/16	\$2,700.00	P2016
Reid, W J	2/16/16	\$1,000.00	P2016
Winston, Simon	2/18/16	\$33,846.20	P2016
Temple, Ellen C	2/25/16	\$1,000.00	P2016

201605240300047630



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

July 7, 2016

MAUREEN HAFERNIK, TREASURER
SIMON WINSTON FOR CONGRESS
1705-A FEAGIN DRIVE #208
LUFKIN, TX 75904

Response Due Date

08/11/2016

IDENTIFICATION NUMBER: C00591628

REFERENCE: AMENDED TERMINATION REPORT (02/11/2016 - 03/31/2016),
RECEIVED 07/01/2016

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. Your report discloses a negative ending cash balance of \$33,846.20. This suggests that you have overdrawn your account, made a mathematical error, or incurred a debt. If your committee has incurred a debt or obligation, please itemize this debt on Schedule D, show a zero balance on Line 8 of the Summary Page and include the amount on Line 10. If the negative ending cash balance is a result of an overdraft, it may constitute a prohibited bank contribution unless it is made on an account that has automatic overdraft protection with usual and customary interest rates and a definite repayment schedule. Please file an amendment to your report to accurately disclose your financial activities. (52 U.S.C. § 30104(b)(8) (formerly 2 U.S.C. § 434(b)(8)) and 11 CFR § 104.3(d))

2. Your committee has requested that the Commission permit your committee to terminate pursuant to 52 U.S.C. § 30103(d) (formerly 2 U.S.C. § 433(d)) and 11 CFR § 102.3. Preliminary review of reports filed during the > election cycle identified problems concerning certain information disclosed by your committee of which you were previously notified. Your committee must continue to file all required reports with the Commission while a determination is being made on whether to pursue these matters any further. The Commission will notify you when your request to terminate has been approved and the committee is no longer required to file reports with the Commission.

SIMON WINSTON FOR CONGRESS

Page 2 of 2

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1187.

Sincerely,



Laura Beaufort
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20547

RQ-7

May 2, 2016

HAFERNIK, MAUREEN, TREASURER
SIMON WINSTON FOR CONGRESS
1705-A FRAGIN DRIVE #208
LUFKIN, TX 75904

IDENTIFICATION NUMBER: C00591628

REFERENCE: APRIL QUARTERLY REPORT (02/11/2016 - 03/31/2016)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended, 52 U.S.C. §30104(a).

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

SIMON WINSTON FOR CONGRESS

Page 2 of 2

If you have any questions regarding this matter, please contact Ben Holly at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1395.

Sincerely,

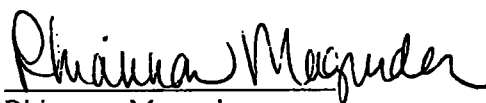
Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending March 31 no later than April 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15, 2016 for the 2016 April Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Page 1 of the Amended Statement of Organization filed by Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer. It discloses simonwinstonforcongress2016@gmail.com and mrh723@hotmail.com as the Committee's official email addresses. The report was electronically filed on November 10, 2015.
 - b) Cover page of the Termination Report filed by Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer. The report covers the period of February 11 through March 31, 2016 and was electronically filed on May 11, 2016.
 - c) Cover page, Summary Page, and Detailed Summary Pages of the Amended Termination Report filed by Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer. The report covers the period of February 11 through March 31, 2016 and was electronically filed on May 12, 2016.
 - d) Cover page, Summary Page, and Detailed Summary Pages of the Amended Termination Report filed by Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer. The report covers the period of February 11 through March 31, 2016 and was electronically filed on August 31, 2016.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 21st day of September, 2016.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Simon Winston for Congress

ADDRESS (number and street)

1705-A Feagin Drive #208

☐ (Check if address is changed)

Lufkin

CITY ▲

TX

STATE ▲

75904

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

☒ (Check if address is changed)

simonwinstonforcongress2016@gmail.com

Optional Second E-Mail Address
mrh723@hotmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address is changed)

info@SimonWinson.com

2. DATE 11 09 2015

3. FEC IDENTIFICATION NUMBER ► C C00591628

4. IS THIS STATEMENT NEW (N) OR ☒ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Maureen Hafernik

Signature of Treasurer Maureen Hafernik

[Electronically Filed]

Date 11 10 2015

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Simon Winston for Congress

ADDRESS (number and street) 1705 Feagin #208

Check if different
than previously
reported. (ACC)

Lufkin

TX

75904

2. FEC IDENTIFICATION NUMBER ▼

C C00591628

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

TX

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

☒ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 02 11 2016 through 03 31 2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Maureen Hafernik

Signature of Treasurer Maureen Hafernik

[Electronically Filed]

Date

05 11 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

Image# 201605129015434734

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Simon Winston for Congress

ADDRESS (number and street) 1705 Feagin #208

Check if different
than previously
reported. (ACC)

Lufkin

TX

75904

2. FEC IDENTIFICATION NUMBER ▼

C C00591628

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

TX

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

X Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 02 11 2016 through 03 31 2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Maureen Hafernik

Signature of Treasurer Maureen Hafernik

[Electronically Filed]

Date

05 12 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

FEC Form 3 (Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

PAGE 2 / 31

Write or Type Committee Name

Simon Winston for Congress

Report Covering the Period: From: 02 11 2016 To: 03 31 2016

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	8900.00	32449.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	8900.00	32449.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	35873.34	92224.57
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	35873.34	92224.57
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	59775.57	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 31

Write or Type Committee Name

Simon Winston for Congress

Report Covering the Period: From: 02 11 2016 To: 03 31 2016

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	7900.00	30300.00
(ii) Unitemized	1000.00	2149.00
(iii) TOTAL of contributions from individuals	8900.00	32449.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	8900.00	32449.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	61287.87	366883.57
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	61287.87	366883.57
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	70187.87	399332.57

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 31

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	35873.34	92224.57
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	307108.00	307108.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	307108.00	307108.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	342981.34	399332.57

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	272793.47
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	70187.87
25. SUBTOTAL (add Line 23 and Line 24)	342981.34
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	342981.34
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00

FEC Form 3 (Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

PAGE 2 / 20

Write or Type Committee Name

Simon Winston for Congress

Report Covering the Period: From: 02 11 2016 To: 03 31 2016

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	8900.00	32449.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	8900.00	32449.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	3133.54	59141.00
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures, (subtract Line 7(b) from Line 7(a))	3133.54	59141.00
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	26692.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 20

Write or Type Committee Name

Simon Winston for Congress

Report Covering the Period: From: 02 11 2016 To: 03 31 2016

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	7900.00	30300.00
(ii) Unitemized	1000.00	2149.00
(iii) TOTAL of contributions from individuals	8900.00	32449.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	8900.00	32449.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate.....	28500.00	333800.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	28500.00	333800.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....	37400.00	366249.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 20

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	3133.54	59141.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	307108.00	307108.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	307108.00	307108.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	310241.54	366249.00

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	272841.54
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	37400.00
25. SUBTOTAL (add Line 23 and Line 24)	310241.54
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	310241.54
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00



September 21, 2016

Maureen Hafernik, Treasurer
Simon Winston for Congress
1705 A Feagin Dr. #208
Lufkin, TX 75904

C00591628
AF#: 3074

Dear Ms. Hafernik:

On June 15, 2016, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Simon Winston for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2016 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$7,200 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

**Maureen Hafernik, Treasurer
Simon Winston for Congress
1705 A Feagin Dr. #208
Lufkin. TX 75904**

Federal Election Commission
Office of Administrative Review
Matthew S. Peterson
999 E Street, NW
Washington, DC 20463

September 28, 2016

C00591628
AF#: 3074

Dear Ms. Magruder,

This letter is in response to the FEC letter dated September 21, 2016 wherein the Commission assessed a \$6,700.00 civil money penalty against me as Treasurer of the Simon Winston Campaign.

I recognize that negligence and ignorance are not defense for the failure to report, but I am not a lawyer nor experienced in campaign laws.

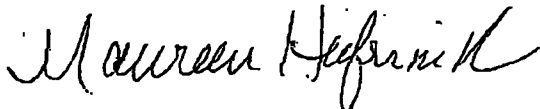
I got involved in this campaign because my former employer/candidate, Simon Winston, "asked" me to be the Treasurer of this campaign. I have never been involved in any campaign prior to the Winston campaign in any capacity nor do I ever plan on ever doing this again.

I remind the Commission that Mr. Winston is now my former employer. Given that situation, I seriously doubt I will get any financial assistance from him.

One last point. Mr. Winston's campaign was primarily a self-funded campaign. The vast majority of the money was loaned and then reimbursed to Mr. Winston.

Despite the injustice, I am willing to settle with the FEC if the Commission is willing to accept \$1,500.00. If accepted, I can get a loan and can pay within two weeks.

Graciously,



Maureen Hafernik

15082710046

Image# 201605240300047630

Attachment Page 1 of 1

Missing 48-Hour Notices
Simon Winston for Congress (C00591628)

Contributor Name	Date	Amount	Election
Winston, Beau	2/11/16	\$2,700.00	P2016
Reid, W J	2/16/16	\$1,000.00	P2016
Winston, Simon	2/18/16	\$33,846.20	P2016
Temple, Ellen C	2/25/16	\$1,000.00	P2016

This is NOT a
contribution. This is
a total amount of
bills that Simon
Winston paid out of
his pocket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

2016 OCT 11 7:10:20

SENSITIVE

October 11, 2016

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3074 -- Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer (C00591628)

On June 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 April Quarterly Report and made a preliminary determination that the civil money penalty was \$7,200 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 25, 2016, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated September 21, 2016 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty, reduced from the RTB civil money penalty of \$7,200.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On September 29, 2016, the Commission received the Treasurer's written response. In addition to reiterating the points made in the original challenge, the Treasurer also notes she is "not a lawyer nor experienced in campaign laws." The Treasurer concludes by stating: "Despite the injustice, I am willing to settle

with the FEC if the Commission is willing to accept \$1,500.00. If accepted, I can get a loan and can pay within two weeks."

As stated in the ROR, the Reviewing Officer acknowledges the majority of the campaign's financial activity resulted from the receipt and repayment of loans from the Candidate and is also sympathetic to the Treasurer's financial hardships. However, negligence and inexperience of the treasurer are included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's history of compliance is also not considered. Their challenge and response to the ROR fail to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

In response to the Treasurer's request to settle for a \$1,500 civil money penalty, the Reviewing Officer notes that the Commission will only modify a proposed civil money penalty if the respondents are able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis. 11 C.F.R § 111.37(c). The Reviewing Officer confirms that the \$6,700 civil money penalty proposed in the ROR was calculated correctly in accordance with the schedule of penalties at 11 C.F.R § 111.43(a).

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty, reduced from the RTB civil money penalty of \$7,200.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3074 involving Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, in making the final determination:
2. Make a final determination in AF# 3074 that Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty (reduced from the RTB civil money penalty of \$7,200); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3074
Final Determination Recommendation:)
Simon Winston for Congress and)
Maureen Hafernik, in her official)
capacity as Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 24, 2016, the Commission decided by a vote of 6-0 to take the following actions in AF 3074:

1. Adopt the Reviewing Officer recommendation for AF# 3074 involving Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3074 that Simon Winston for Congress and Maureen Hafernik, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,700 civil money penalty (reduced from the RTB civil money penalty of \$7,200).
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 25, 2016
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 2016

Maureen Hafernik, Treasurer
Simon Winston for Congress
1705 A Feagin Dr. #208
Lufkin, TX 75904

C00591628
AF#: 3074

Dear Ms. Hafernik:

On June 15, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Simon Winston for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2016 April Quarterly Report. By letter dated June 17, 2016, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$7,200 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 25, 2016, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty, make a final determination that Simon Winston for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the Amended 2016 April Quarterly Report filed August 31, 2016 (\$347,641), assess a civil money penalty in the amount of \$6,700 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on September 21, 2016.

On October 24, 2016, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Simon Winston for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the Amended 2016 April Quarterly Report (\$347,641), assessed a civil money penalty in the amount of \$6,700 (reduced from the RTB civil money penalty of \$7,200). A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

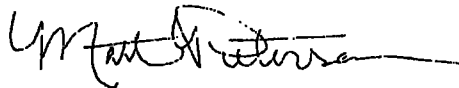
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$6,700 for the 2016 April Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Simon Winston for Congress

FEC ID#: C00591628

AF#: 3074

PAYMENT AMOUNT DUE: \$6,700

